



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply to
Attn of: HW-104

MAR 18 1993

WA 2917 4c
3/18/1993

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dennis Stefani, Vice President
Regulatory Affairs
Burlington Environmental, Inc.
1011 Western Avenue, Suite 700
Seattle, Washington 98104

Re: Notice of Violation and Warning
Georgetown, Pier 91, and Tacoma Facilities
WAD 00081 2909, WAD 00081 2917, and WAD 02025 7945

Dear Mr. Stefani:

This Notice of Violation and Warning (hereinafter "Notice") is being issued to your company based on findings of inspections conducted on December 16, 1992, December 21, 1992 and February 4, 1993, by representatives of the United States Environmental Protection Agency (EPA) at your Georgetown, Pier 91, and Tacoma Facilities, respectively. These inspections were performed to determine whether activities at these facilities were in compliance with applicable permit conditions and hazardous waste management regulations adopted by the EPA under the Resource Conservation and Recovery Act (RCRA). At the time of these inspections, the following was observed:

Georgetown

1. In the check-in area located west of the Warehouse, one drum of waste gasoline received 12/14/92 appeared to be badly rusted, a violation of permit condition III.C.
2. In the west field a row of flammable paint wastes being staged for shipment to Washougal Plant for recycling was less than two feet from the end of one row of drums of flammable wastes in storage, a violation of permit condition III.B.1.
3. In the warehouse, where batteries, flammable PCB-containing materials, and reactives were being stored, a drum was stored surrounded by other drums, such that the label of the interior drum could not be read, a violation of permit condition III.B.1.
4. In the distillation area, equipment subject to 40 C.F.R. part 264 Subpart BB was not marked in accordance with § 1050(d), a violation of permit condition V.D.1.

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5. Recordkeeping requirements for equipment subject to 40 C.F.R. Part 264 Subparts AA or BB was not in accordance with the requirements § 264.1064 in that:
 - a. A full list of affected equipment (as required by § 264.1064(b)(1)(i)) was not in logbook. A limited inventory could be inferred from the maps for valves and permanent pumps; however, portable pumps, flanges, hoses were not shown on maps, and Burlington appears to have no record showing that they have ever been inspected or leak tested.
 - b. Percent-by-weight total organics in the hazardous waste stream at each piece of equipment, as required by § 264.1064(b)(1)(iv), was not recorded.
 - c. Yard inspection sheets do not suffice for the weekly pump and valve checks because they are too general; records must document specific checks. These omissions are violations of permit condition V.D.1.
6. In the distillation area, sampling connections did not meet technical standards specified in § 264.1055 for release control, a violation of permit condition V.D.1.
7. In the North Field Storage Area, an overpack drum was bulging and appeared to be in poor condition, a violation of permit condition III.C.

Pier 91

8. In the tank yard, equipment subject to 40 C.F.R. Part 265 subpart BB was not marked in accordance with § 1050(c), a violation of 40 C.F.R. § 265.1050(c).
9. Recordkeeping requirements for equipment subject to 40 C.F.R. Part 265 subpart BB was not in accordance with the requirements of § 265.1064(b)(1)(iv) in that percent-by-weight total organics in the hazardous waste stream at each piece of equipment was not recorded, a violation of 40 C.F.R. § 265.1064(b)(1)(iv).
10. One manifest for shipment of parts cleaner solvent (D001, D039) to Safety Kleen did not have a LDR notification attached as required in accordance with 40 C.F.R. § 268.7, a violation of 40 C.F.R. § 268.7.

Tacoma

11. In the tank farm, equipment subject to 40 C.F.R. Part 265 Subpart BB was not marked in accordance with § 1050(c), a violation of 40 C.F.R. § 265.1050(c).

12. Manifests for shipment of stabilized waste offsite for land disposal did not have a copy of the actual LDR certification sent to the receiving facility attached, a violation of 40 C.F.R. § 268.7.

To address these matters fully, Burlington Environmental, Inc. must submit to EPA within 30 days receipt of this Notice written documentation describing the measures that the facility will take to come into compliance with its permit conditions and other applicable hazardous waste management regulations.

This documentation should be sent to:

Michael F. Gearheard, Chief
Waste Management Branch
U.S. EPA Region 10
1200 Sixth Avenue, HW-102
Seattle Washington 98101

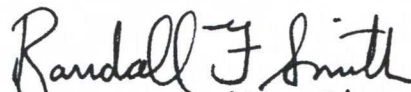
Failure to submit the requested documentation within the time period specified may subject Burlington Environmental, Inc. to enforcement action under Section 3008 of RCRA [42 U.S.C. 6928]. Such enforcement action could include the assessment of civil penalties of up to \$25,000.00 per day of noncompliance.

Should you or the company find at any time after submission of the requested documentation that any part of that documentation is false or otherwise incorrect, you or the company should immediately notify EPA and the Washington Department of Ecology. Failure to do so may subject you and Burlington Environmental, Inc. to enforcement action under Section 3008(d) of RCRA [42 U.S.C. 6928(d)].

We also wish to clarify at this time that each piece of equipment subject to requirements of 40 C.F.R. § 264 or § 265 Subpart BB at all Burlington Environmental, Inc. facilities, including the Kent and Washougal facilities, must be physically marked in such a manner that it can be readily distinguished from other pieces of equipment.

If you have any questions, please call Sylvia Burges of my staff at (206) 553-1254.

Sincerely,



Randall F. Smith, Director
Hazardous Waste Division

cc: J. Summerhayes, Washington Department of Ecology - NWRO
J. Chaitin, Washington Department of Ecology - NWRO